

REMARKS

Claims 1-29 are pending in the present application. In the Office Action, claims 1, 13, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner alleges that these claims are unclear because the relationship of the indicator to the management engine is not clearly established. Applicant respectfully disagrees and notes that claims 1, 13, and 16 clearly set forth an indicator configured to indicate a master mode or a slave mode for an embedded Alert Standard Format management engine. This relationship is further explained in the specification. See Patent Application, page 25, lines 19-22 and Figure 6. Thus, the relationship between the indicator and the management engine is clearly established in the claims 1, 13, and 16.

Applicant further notes that the indicator may be used for any desirable purpose. In one embodiment, the embedded Alert Standard Format management engine operates in the master mode or the slave mode based upon the value of the indicator. For example, an enable register 252 may be configured to store a master bit that, when set, indicates that the ASF NIC 109 is not present. A slave bit may alternatively be stored that, when set, indicates that the ASF NIC 109 is present. See Patent Application, page 23, line 24 - page 24, line 1 and Figure 5. Thus, it is clear that the recited claim language would not be indefinite to one skilled in the art based upon the disclosure in the specification. However, Applicant submits that the indicator may also be used for other purposes and therefore requiring Applicant to set forth a particular embodiment in independent claims 1, 13, and 16 would unduly limit the present invention. For at least this reason, Applicant respectfully submits that claims 1, 13, and 16 are not indefinite and requests

that the Examiner's rejection of these claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, claims 22 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner alleges that the master and slave modes are unclear. Applicant respectfully disagrees and submits that the master and slave modes are clear when interpreted in light of the specification. For example, in one embodiment, an ASF south bridge 212 may include integrated ASF, ACPI, and/or Ethernet functionality. When there is no ASF NIC 109 in the computer system 200A, the ASF south bridge 212 recognizes that it must be a master ASF controller for the computer system 200A, during a power-up cycle. When the ASF NIC 109 is included in the computer system 200B at the PCI connector 211, the ASF south bridge 212 should recognize that it should be an ASF slave to the ASF NIC 109. In various alternative embodiments, operating as an ASF master or slave may include operating as a master or slave to one or more buses, such as the PCI bus 210 and the SM bus 215. See Patent Application, page 19, lines 4-19 and Figures 3A and 3B. For at least this reason, Applicant respectfully submits that claims 22 and 26 are clear and requests that the Examiner's rejection of these claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, claims 1-8, 10, 12-17, and 19-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lindsay (U.S. Patent Application No. 2003/0028633). Claims 8-9 and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over Lindsay in view of alleged industry standard computer architectural features as evidenced by Hobson (U.S. Patent No. 6,360,327). Claims 11 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over

Lindsay in view of alleged industry standard microcontroller usage as evidenced by Schwarz (U.S. Patent No. 4,910,732). Claims 22-23 and 26-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Lindsay with alleged inherent features as evidenced by Lindsay (U.S. Patent Application No. 2002/0194415) in view of alleged industry standard architectural practices as evidenced by Cromer (U.S. Patent No. 6,282,642). Claims 25 and 29 were rejected under 35 U.S.C. § 103(a) as being obvious over Lindsay in view of Cromer.

Submitted herewith are the declarations under 37 C.F.R. § 1.131 of named inventor, Dale E. Gulick, and of the undersigned agent that recite facts that establish that the Lindsay patent is not prior art to the present application. More particularly, the declarations establish that, prior to April 24, 2001, the effective filing date of the Lindsay patent application, the invention disclosed in the pending application was conceived. The declarations further establish that all parties involved in preparing and filing the patent application with the United States Patent and Trademark Office were diligent from prior to the April 24, 2001 filing date of the Lindsay patent application to the November 1, 2001 filing date of the present application. Accordingly, the Lindsay patent application is not prior art to the present application. Applicant respectfully requests that the Examiner's rejections be withdrawn.

In the Office Action, claims 24 and 28 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims contained allowable subject matter. In view of the above discussion, Applicant respectfully submits that the respective independent claims for claims 24 and 28 are allowable and, on this basis, requests that the Examiner's objections be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the under-

signed agent at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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